

REMARKS

The Examiner withdrew the allowance of Claims 13, 15, 17, 31-37, and 39-54 and rejected the claims under 35 U.S.C. § 101, as being directed to non-statutory subject matter. The Examiner objected to Claims 66, 85, and 93 for informalities. Such rejections and objections are noted. The Examiner allowed Claims 1-12.

Claims 13, 15, 17, 31, 39, 51, 66, 85, and 93 have been amended. Applicant respectfully submits that Claims 1-13, 15, 17, 31-37, 39-54, 66, 85-88, and 93-101 are allowable.

Record of Telephone Interview

On October 10, 2006, the Applicants' representative, Thomas Kulaga, spoke with Examiner Michael Nghiem on the telephone. Mr. Kulaga inquired as to why allowed claims were being rejected. The Examiner stated that he re-examines all claims after receiving a response to an office action.

Mr. Kulaga pointed out that the Examiner objected to claim 66, which includes means plus function limitations, because the drawings do not show every feature of the claims. Mr. Kulaga informed the Examiner that the Specification includes statements that specifically identify the corresponding structures for each function identified in the claims, and that those corresponding structures appear on the drawings.

Rejection under 35 U.S.C. § 101

In a previous Office Action, the Examiner allowed Claims 13 and 51-54 and objected to Claims 15, 17, and 31-37 as containing allowable subject matter but depending from a rejected base claim. In a Response to that Office Action, Applicants amended Claims 15, 17, and 31-37 to include all the limitations of the independent claim and any intervening claims.

Applicants appreciate the thoroughness and completeness of Examiner's review of the claims. But, Applicants wish to inform the Examiner that the untimely rejection of allowed claims creates a hardship for the Applicants by increasing their cost of

prosecution and the length of time that the Application is pending and is contrary to the Rules. See MPEP 707.07(a), 707.07(g), and 35 C.F.R. § 1.104(a) and (b).

In order to expedite the allowance of the Application, Applicants have amended Claims 13, 15, 17, 31, 39, and 51 to overcome the Examiner's rejection under 35 U.S.C. § 101. The amendments are supported by the Specification and do not include the addition of new matter. Applicants respectfully submit that the claims produce tangible results and that those tangible results are fully described in the Specification. Further, it is noted that any process performed by a processor inherently includes storing loaded data and calculated values because such data and values pass through the processor data ports between data registers and memory. Accordingly, a processor manipulating data and performing calculations is producing a tangible result by storing that information for use by other processes and devices, such as for producing reports and recalibrating instruments as disclosed in the Specification. *See, e.g.*, Figure 4. Because the amendments to the claims are just an explicit statement of an inherent condition, the amendments do not narrow the scope of the claims.

Claim 13 is amended to include the limitation that the set of thermocouple deviations is stored, thereby explicitly stating in the claim the inherent tangible result. Claims 15, 17, 31, and 39 are amended to include the limitation that the results of the step of analyzing the set of remaining data are stored, thereby explicitly stating in the claim the inherent tangible result. Claim 51 is amended to include the limitation that the new coefficients are stored, thereby explicitly stating in the claim the inherent tangible result.

Applicants respectfully submit that the amendments to Claims 13, 15, 17, 31, 39, and 51 overcome the rejections under 35 U.S.C. § 101 because a tangible result, namely, storing data for later use, is explicitly stated in each claim. Further, Applicants respectfully submit that dependent Claims 32-37, 40-50, and 52-54 are allowable for depending from allowable claims.

Objection to Drawings and Claims 66, 85, and 93

The Examiner objected to the drawings for not showing the features of Claim 66. Additionally, the Examiner objected to Claim 66 for not illustrating the claimed elements in the drawings and Claims 85 and 93 for not defining the term RTD.

With respect to Claim 66 and the drawings, the Examiner is referred to the Specification which identifies the structures corresponding to the functions of the means plus function elements of Claim 66. In particular, Published Specification paragraphs 163 to 165 discuss the structures that perform the claimed functions and those structures appear on the drawings.

Applicants respectfully submit that the objection to the drawings and to Claim 66 has been overcome by showing that the claimed elements are illustrated on the drawings. Accordingly, Applicants request the Examiner withdraw his objection to the drawings and Claim 66.

Applicants have amended Claims 85 and 93 to define the term RTD as a resistance temperature device. The amendment to define the term RTD does not narrow the scope of the claims because a person skilled in the art would recognize the meaning of the acronym RTD to a resistance temperature device. Applicants respectfully submit that the Examiner's objections have been overcome and Claims 85 and 93 are in condition for allowance.

Conclusion

In view of the amendment of Claims 13, 15, 17, 31, 39, 51, 85 and 93, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the Examiner is respectfully requested. If, however, the Examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the Examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 50-3827 (06024-UPA).

Respectfully submitted,


Thomas A. Kulaga
Registration No. 46,844

Knox Patents: Kulaga Law Office, PLLC
P.O. Box 30034
Knoxville, Tennessee 37930-0034
865-470-4212
tkulaga@knoxpatents.com